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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Kelvin D. Daniel, et al, } No. CV 11-1548-PHX-ROS
9 Plaintiffs, }
10 vs. } **ORDER SETTING**
11 Swift Transportation, }
12 Defendant. }
13 _____ } **SCHEDULING CONFERENCE**

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15 Pursuant to the Rules of Practice of the District of Arizona governing differentiated case
16 management, this action is designated a **standard track** case. Accordingly,

17 **IT IS HEREBY ORDERED** that pursuant to Fed.R.Civ.P. (FRCP) 16 a Scheduling
18 Conference is set for Friday, January 13, 2012 at 11:30 a.m. in Courtroom 604 at the Sandra
19 Day O'Connor U.S. Courthouse, 401 West Washington, Phoenix, Arizona. This Court views
20 the Scheduling Conference as critical to its case management responsibilities and the
21 responsibilities of counsel/ parties pursuant to FRCP 1. **All counsel to this action shall request**
22 **of the Court three days prior to this Conference if they plan to participate by telephone.**
23 **Appearing telephonically is granted for good cause ONLY.**

24 **IT IS FURTHER ORDERED** that: (1) The counsel/parties are directed to Rule 16 of
25 the FRCP for the guidelines to be followed at this Conference. (2) Counsel who will serve as
26 principal trial counsel, or who have the authority to make stipulations at the Conference and
27 have knowledge of all facets of this action must appear at the Conference. (3) Counsel/Parties
28 who fail to appear or who are late, or counsel/parties who send insufficiently authorized and

1 knowledgeable substitutes to the Conference **shall** be ordered to pay the attorneys fees and
2 expenses of the counsel/parties who attend the Conference.

3 **IT IS FURTHER ORDERED** that all counsel/parties **shall** conduct an initial **Case**
4 **Management Meeting** at least twenty-one days before the Scheduling Conference in
5 accordance with Rule 26(f) of the FRCP and **shall** discuss the matters set forth in the Court's
6 **Agenda for Case Management Meeting.**

7 **IT IS FURTHER ORDERED** that it **shall** be the responsibility of the Plaintiff or
8 Plaintiff's counsel to initiate the communication necessary with opposing counsel/parties to
9 schedule the **Case Management Meeting**, and to prepare both the **Proposed Case**
10 **Management Plan** and **Proposed Scheduling Order.**

11 **IT IS FURTHER ORDERED** that at the Case Management Meeting the counsel/parties
12 **shall** prepare a **Proposed Case Management Plan** and a **Proposed Scheduling Order** and
13 **shall** file them with the Court, not less than ten days before the Scheduling Conference. Counsel
14 shall submit the Proposed Scheduling Order in Word or WordPerfect format to the Court's
15 mailbox at silver_chambers@azd.uscourts.gov.

16 **IT IS FURTHER ORDERED** that after the Scheduling Conference the Court will enter
17 a **Scheduling Order** that **shall** control the course of this action. To the extent that the Court's
18 **Scheduling Order** differs from the parties'/counsel's **Proposed Case Management Plan**
19 and/or **Proposed Scheduling Order**, the Court's Order **shall** control the course of this action
20 unless modified by Court order, pursuant to FRCP 16(b) and (c).

21 **IT IS FURTHER ORDERED** that counsel/parties **shall** obtain and use from this Court's
22 website at www.azd.uscourts.gov, (refer to Judges & Courtrooms; Orders, Forms &
23 Procedures), only the Court's forms for the **Agenda for the Case Management Meeting**, the
24 **Proposed Case Management Plan**, the **Proposed Scheduling Order**, the **Joint Proposed**
25 **Pretrial Order** and other documents and orders that are adopted and/or issued by this Court
26 throughout the course of this action.

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1 **IT IS FURTHER ORDERED** Counsel shall be prepared to discuss the facts of the case
2 and the law in connection with the lawsuit and initial disclosures must have been made under
3 Rule 26(a) prior to the conference, unless the Court has made an exception.

4 DATED this 7th day of October, 2011.

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9 Roslyn O. Silver
Chief United States District Judge

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